

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REISSUE APPLICATION

Patentees/  
Reissue Applicants : Stuart A. Fraser et al.  
Application No. : 09/859,661 Conf. No. 3933  
Filed : May 17, 2001  
For Reissue of  
Patent No. : 5,905,974  
Issued : May 18, 1999  
For : AUTOMATED AUCTION PROTOCOL  
PROCESSOR

DECLARATION OF JAMES BOLLINGER

I, James Bollinger, hereby declare that:

1. I am a member of the firm of Morgan, Lewis & Bockius, LLP and a former member of the firm Hopgood, Calimafde, Kalil & Judlowe, LLP, the firm that previously represented the assignee of U.S. Patent No. 5,905,974 (the '974 patent) before the United States Patent and Trademark Office during the original prosecution of the '974 patent.

2. I drafted the patent application that issued as the '974 patent and participated in portions of the prosecution of this application before the United States Patent and Trademark Office, and have personal knowledge of

those portions of the prosecution of the '974 patent that I participated in.

3. Hopgood, Calimafde, Kalil & Judlowe was also responsible for the prosecution of foreign counterpart applications to the '974 patent application, including PCT Application No. PCT/US97/22423 ("the PCT application"). Bradley Ruben, who was an associate at, and later a member of, Hopgood, Calimafde, Kalil & Judlowe, was responsible for the prosecution of the PCT application. I did not have any significant involvement in the prosecution of the PCT application.

4. At the time the '974 patent issued, I was not aware that a PCT search report had issued in the PCT application that included prior art that had not been filed in the application that issued as the '974 patent.

5. Subsequent to the issuance of the '974 patent, I first learned that a search report dated March 26, 1998, had issued in the PCT application, listing U.S. Patent Nos. 5,297,032, 5,305,200, 5,375,055 and 5,717,989, and specifically that these references had not been made of record in the corresponding U.S. application.

I declare, further, that I understand the English language and that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified patent application.

2-19-02

Date

  
James Bollinger